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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.753/89

DATE OF JUDGEMENT

MARCH, 1992

BETWEEN

Sri K. Mahesh Babu

.. Applicant

A N D

1. The Assistant Director,
R.F.T.R.C., N.I.C.D.,
Weavers' Colony
Rajahmundry

2. Director
National Institute of Communicable
Diseases (NICD)
22, Shyammath Marg,
New Delhi-110 054

3. Director General
Indian Council of Medical Research
Ansarinagar, New Delhi

.. Respondents

Counsel for the applicant

:Sri K. Satyanarayana

Counsel for the Respondents

:Sri N. Bhaskara Rao,
Addl. CGSC

Sri.Y. Venkatasastri
for Resp. 3.

CORAM:

THE HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN)

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

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JUDGEMENT OF THE DIVISION BENCH DELIVERED BY
THE HON'BLE SHRI. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This is an application filed under Section 19 of the Administrative Tribunals Act to declare the action of the respondents in terminating the services of the applicants by the respondents as illegal, arbitrary, violative of Articles 14 and 16 of the Constitution of India and to direct the respondents to reinstate the applicant into service in any suitable post with all consequential benefits including arrears of wages, etc., and to pass such other orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief may be stated as follows:

The applicant herein was appointed as a Field Worker in the Regional Filaria Training & Research Institute, N.I.C.D., Rajahmundry by the 1st respondent, on 18.11.1985. The services of the applicant were terminated w.e.f. 8.4.1988. ~~time of~~
By the ~~time of~~ termination of his services, the applicant had put in more than two years service. It is the ~~same~~ termination order that is questioned in this OA by the applicant herein.

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Counters have been filed by the Respondents 1 and 2 jointly and respondent 3 separately, opposing this OA.

Even though in the OA it has been pleaded that he was not paid the benefits of arrears of pay in the additional affidavit filed on behalf of the petitioner dated 6.4.1990 the applicant had specifically admitted that after the filing of this OA that the applicant had received all the benefits due to him and that the same fact is brought to the notice of this Tribunal and the said fact may be treated as part of the record.

Admittedly, the applicant had been appointed purely on temporary basis as could be seen from the appointment order that is available on the file. Further as could be seen from the memorandum of National Institute of Communicable Diseases, Govt. of India, New Delhi, No.1-12/86-ICMR-PRC dated 29.2.1988 it was informed that the tenure of the scheme entitled "Multicentric clinical evaluation of traditional remedies in filariasis" under the Officer Incharge, RFTRC-NICD, Rajahmundry would expire on 31.3.1988.

Notice had also been issued to the staff working in the office of the respondents informing them that their services will also stand terminated w.e.f. 31.1.1988. However, as already pointed out, the services of the applicant seems to have been terminated only on 8.4.1988 and one month salary for the month of April as per the admission of the applicant had been paid as per the conditions stipulated in the appointment order of the applicant. As the office respondent in which the applicant was working stood

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abolished, the applicant holding purely temporary post had no right to continue after the said post in which he was working had ceased to exist and hence the termination order of the applicant is legal and valid.

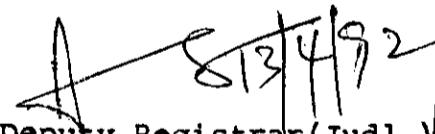
In view of this position, we see no merits in this OA, and this OA is liable to be dismissed and is accordingly dismissed with no order as to costs. The parties shall bear their own costs.

R. Balasubramanian

(R. BALASUBRAMANIAN)
Member (A)

(T. CHANDRASEKHARA REDDY)
Member (J)

Dated: 26/3/1992


Deputy Registrar (Judl.)

Copy to:-

1. The Assistant Director, R.F.T.R.C., N.I.C.D., Weave Colony, Rajahmundry.
2. Director, National Institute of Communicable Diseases (NICD) 22, Shyamnath Marg, New Delhi-110 054.
3. Director General, Indian Council of Medical Research, Ansarinagar, New Delhi.
4. One copy to Sri. K. Satyanarayana, advocate, 2-2-110 A, Tilaknagar, Hyderabad.
5. One copy to Sri. N. Bhaskara Rao, Addl. CGSC, CAT, 1
6. One copy to Sri. Y. Venkatasastry, advocate, 3-6-288 mvl Hyderguda, Hyd-bad. for R3.
7. One spare copy.

Rsm/-

P. K. Bhattacharya
C.R.M.

(u) *copy*
O.A. 753/89

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
MEMBER (JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 26/3/1992

ORDER / JUDGMENT

R.A./C.A./M.A. No.

in—

O.A. No.

753/89

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default Central Administrative Tribunal
M.A. Ordered/Rejected. DESPATCH

No order as to costs.

27/4/1992
HYDERABAD BENCH.

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